

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**JAMES AND PATRICIA SHELLY**

**PLAINTIFFS**

**V.**

**NO. 4:05CV167-M-A**

**COLDWELL BANKER REAL ESTATE  
CORPORATION, ET AL.**

**DEFENDANTS**

**ORDER**

This cause comes before the court on the motion of defendants to resolve conflicting trial settings in the Coldwell Banker cases which are currently pending before this court and before Judge Pepper. In their motion, defendants correctly note that the current trial settings give rise to conflicts in many of the Coldwell Banker actions, and they request that these trial settings be vacated and that new trial settings be issued. After consulting with Judge Pepper, this court is of view that the motion should be granted and that the trials in the Coldwell Banker cases should be rescheduled. As always, the specific trial settings will depend upon the schedules of each district judge and will remain subject to change depending upon future events. As a general matter, however, this court directs that its courtroom deputy, in consultation with Judge Pepper's courtroom deputy, re-set the trial settings in the Coldwell Banker cases with the following considerations in mind:

1. The trials in the Coldwell Banker cases should alternate between those heard by Judge Mills and those heard by Judge Pepper;
2. As a general matter, priority should be given to the Coldwell Banker actions which were filed first, although the status of discovery and the number of pending motions in a particular case should also be given substantial weight;

3. As a general matter, the trials should be set at no less than two month and no greater than three month intervals, so that the parties are given adequate time to prepare for trial.

In light of the foregoing, it is ordered that defendants' motion [141-1] to resolve conflicting trial settings is granted. The court directs that its courtroom deputy re-issue trial settings in the Coldwell Banker cases, as more specifically set forth *supra*.

SO ORDERED this 7<sup>th</sup> day of December, 2006.

/s/ Michael P. Mills  
UNITED STATES DISTRICT JUDGE